

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS DAVIS,)
Petitioner)
vs.)
) Civil Action No. 08-441
) Judge Gary L. Lancaster/
JEFFREY A. BEARD, Secretary of)Magistrate Judge Amy Reynolds Hay
Corrections; THE ATTORNEY GENERAL)
OF THE COMMONWEALTH OF)
PENNSYLVANIA,)
Respondents)

ORDER

AND NOW, this 2nd day of May, 2008, after the Plaintiff,

Thomas Davis, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the Petitioner until May 12, 2008 to file written objections thereto, and Petitioner having filed objections to the Report and Recommendation on May 12, 2008 which are without merit, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Petition for a Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2254 is dismissed pre service pursuant to Rule 4;

IT IS FURTHER ORDERED that a certificate of appealability also is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

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